IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

COMPANY APPLICATION NO. 162 OF 2003
IN
COMPANY PETITION NO. 5 OF 1997

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
02.03.2007

Heard Mrs. Wandile, learned counsel for the Official Liquidator, Shri Gode, learned counsel for the respondent.

The respondent contends that he has purchased the property from Mrs. Pranita Gopal Pandav. There is no sale deed in favour of the respondent. The respondent has contended that the company under liquidation is not the owner. However, he further points out that Mrs. Pranita herself has got the property in dispute from the company under liquidation. The records produced before this Court including the report prepared by the Chartered Accountant after verification of company records reveal that the said Plot No. 203, Garden View Apartment, Shivai Nagar,

Pokharan Road, Thane, in fact belongs to company under liquidation.

The Official Liquidator has pointed out that Mrs. Pranita Pandav was wife of one of the Finance Manager Shri Gopal Pandav of company under liquidation. The respondent has not verified whether she had any title document in her favour.

In these circumstances, the respondent is only relying upon the verification done by the society. The said verification is not sufficient to hold that the respondent is the owner of property. The affidavit filed by respondent on 29.7..2005 reveals that he is relying upon the fact that Flat No.304 of Garden View Cooperative Society was owned by the company under liquidation and it has been transferred in the name of another Managing Director by some resolution. The said transfer is totally irrelevant. In para 4, he has stated that Mrs. Pranita Pandav has purchased Flat No.304 from the company under liquidation on 11.1.1995 by agreement.

It is, therefore, apparent that the respondent is not approaching this Court with clean hands. Under the circumstances, the

prayers made in the present company application are granted. The respondent to hand over the vacant possession to the Official Liquidator within a period of eights weeks from today.

JUDGE

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